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22
23 **UNITED STATES DISTRICT COURT**
24 **DISTRICT OF NEVADA**

25 GREG GIBBONS,)	
)	Case No.: 2:15-cv-02231-GMV-CWH
26 Plaintiff,)	
)	
27 vs.)	
)	
28 UNION PACIFIC RAILROAD)	
COMPANY, a Delaware Corporation)	
)	
Defendant.)	
)	

29
30 **STIPULATION AND ORDER REGARDING AGREED UPON DEFENDANT'S**
31 **PROPOSED MOTIONS IN LIMINE, PURSUANT TO LR 16-3**

32 The parties, Plaintiff, Greg Gibbons ("Plaintiff" or "Gibbons"), and Defendant,
33 Union Pacific Railroad Company ("Defendant" or "UPRR"), by and through their
34 respective counsel of record, hereby stipulate and request, pursuant to LR 16-3, that this

1 Court enter an order regarding the following matters which were agreed upon relative to
2 Defendant's proposed motions in limine.

3 1. On March 19, 2018, Defendant's attorney sent correspondence to Plaintiff's
4 attorneys, Peter C. Wetherall, Esq. and James A. Morris, Jr., Esq. regarding an initial
5 effort to meet and confer regarding UPRR's proposed motions in limine. The March 19,
6 2018, letter addressed ten (10) proposed motions in limine.

7
8 2. At 10:00 a.m. on March 21, 2018, pursuant to mutual agreement, a phone
9 conference was held between counsel for the parties, including John A. Hunt, Esq. (of
10 Clark Hill, PLLC), James A. Morris, Jr., Esq. (of Brent Coon & Associates), Shane E.
11 Greenberg, Esq. (*id.*), Melissa Sandoval, Esq. (of Union Pacific's Law Department), and
12 Bert Wuester Jr., Esq. (of Clark Hill, PLLC).

13
14 3. During the phone conference, Plaintiff's counsel agreed to motions #2, 3, 6 and 8
15 as addressed in UPRR's March 19, 2018, letter. In addition, as to motion #9, it was
16 agreed the same shall apply to both sides. During the phone conference it was agreed and
17 acknowledged that a proposed stipulation and order would be prepared relative to the
18 agreed upon motions #2, 3, 6, 8, and 9.

19
20
21 4. Accordingly, pursuant to the above, the parties hereby stipulate and agree that the
22 Court enter orders consistent with the following:

23 A. That the Court shall exclude argument or evidence regarding alleged
24 elevated levels of danger in the railroad industry.

25
26 B. That the Court shall exclude argument or evidence relating to the parties'

1 relative or individual wealth.

2
3 C. That the Court shall exclude argument or claims seeking prejudgment
4 interest upon any award of damages.

5
6 D. That the Court shall preclude Plaintiff from making reference to, pointing
7 out, or identifying representatives of Union Pacific who may come to court to
8 observe the trial.

9
10 E. That the Court shall prohibit any argument by either counsel relating to the
11 following areas:

12
13 i. argument by counsel personally attacking a witnesses credibility
14 and/or accusing a witness of perjury;

15
16 ii. argument by counsel injecting his/her personal opinions about a
17 party;

18
19 iii. argument by counsel relating counsel's personal opinion(s) about the
20 justness of his/her client's cause and his/her client's claim of injury;

21
22 iv. argument by counsel requesting the jury place themselves in the
23 position of counsel's client (i.e., "golden rule" argument);

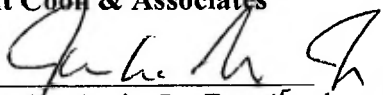
24
25 v. argument by counsel requesting the jury "send a message" to the
26 opposing party and/or the opposing party's counsel;

vi. argument by counsel comparing jury awards in other cases to the present case; and

vii. argument by counsel personally attacking opposing counsel.

Respectfully submitted and approved as to form and content:

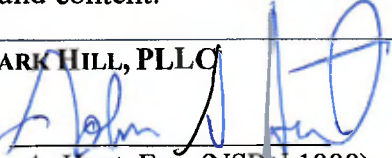
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Dated: 3/23/18

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Dated: 3-23-18

ORDER

IT IS ORDERED.

Dated: April 5, 2018


UNITED STATES DISTRICT COURT JUDGE

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